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JUDICIAL MURDER.

The first judicial execution in Victoria has been consummated; and after the mockery of a trial accompanied by circumstances such as, it is to be hoped, will never recur in this Colony, a poor, good-looking young Indian, under twenty, named Allache, has been executed for murder.

We are told by some people that if a cruel measure, it was a necessary one; but is it not appalling to think that any man on this Island, *even though he be an Indian*, should be condemned on an *ex parte* statement of facts, without a competent Interpreter to explain them, without a Counsellor to assist him in a matter of life and death, without a friend to make known the facts which preceded and provoked the homicide.

The facts are, as far as can be collected, as follows:

A young Indian, not long married, and between whom and his wife there existed a real attachment, (and such things are not uncommon among Indians,) sees her exposed to the daily assaults of a worthless, diseased young negro, who, in spite of repeated warnings, returns again and again to his tent, intrudes himself continually on his presence, and once more, in his own house and under his own eyes, begins his impudent and abominable practises. Inflamed on this occasion by whisky—that other fatal present of civilization—the poor young savage can stand it no longer, his outraged feelings know no bounds, and half maddened by drink, half pushed on by the instigations of another savage, he stabs the mean seducer who has brought disease and dishonor to his home. The young negro is removed, and dies a day or two afterwards.

Such is the deed that has been judged *premeditated murder*! And I will ask, where is the white man who, if a licentious, diseased young negro came and practised the same outrages on himself and his wife, would say that he might not have committed the same crime?

Patience, however! We are told that that young man was an Indian, and that an example was necessary!

That young Indian is now standing before a Court of law, to be tried for his life; before an English Court of Justice, the first proceeding of which he does not, cannot understand; with a Chenook Interpreter by his side, who neither knows good English nor Tsimsean Indian. And questions are being put on every fact which is sure to condemn him, but not on one which would exculpate him: a lonely, helpless victim, surrounded by judges the more inhuman because the more educated. Nor does a single lawyer present have the heart or the humanity to offer to defend him. And it is in an English Court of Law and a Christian Court of Justice *withal*, that such deeds take place, and that an Attorney General complacently looks on and authorizes them by his presence! And the Chief Justice too looks quietly on in that same Court, where every one seems to have forgotten the common feelings of justice, and forgetting his duty also, does not even assign a counsel for the defence, or remind one single lawyer of what he owes to himself and his profession!

The very day before, and in that very same Court, a man named Snelling had been accused of cowardly murdering a helpless drunkard on the highway—a man who could barely lift up his arms to implore for mercy; and the wretch stabbed the man; yes, stabbed his victim, helpless and motionless on the ground, and the foul deed was proved before that same tribunal, clear as daylight! But his well-paid lawyer was eloquent, the Chief Justice too spoke in his favor, the feelings of the Jury were worked upon, and the cowardly, dastardly assassin escaped with four years imprisonment.

Not so with Allache. The poor Indian had no countrymen who could subscribe and procure him a lawyer to sift the previous circumstances, which rendered "killing no murder," or to elicit, in the presence of impartial jurymen, those attenuating circumstances which, from the one-sided way in which the case had been got up, they did not even surmise, nor was one single word offered in his defence, excepting a few meagre explanations from the prisoner, confined to the stabbing scene, and those so mutilated by an interpretation totally unworthy of confidence, (and there were other competent Interpreters in the room,) that several of the audience left from shame and indignation.

Attempts, however, were made to obtain the pardon of the unfortunate young man, and a long and respectable list of signatures footed a petition containing some of the motives in favor of mercy. But the answer was brief:—Justice must be done; if the prisoner had no counsel it was a misfortune; [it was worse than that, it was a cruel injustice to the boy, and a wanton outrage to English law] finally, an example (!) must be made, and the Indians taught to respect the laws!

Religion too was brought to work on the poor savage, and an attempt made to acquaint him with some of those Divine tenets which must have seemed passing strange when coming from one of that highly civilized race who violate them every day; one of whom had seduced his wife and blasted his home and happiness; another of whom had furnished him the deadly poison which had caused him to commit the crime, and by whom he was now condemned to death without a hearing, for having resented what not one of themselves would have suffered. Still, however, the poor good-hearted creature repented his crime in tears and bitterness, and may we trust and hope, that that repentance has been accepted.

The sun rose on Saturday morning bright as usual, gilding the hazy tops of the mountains, and awakening the inhabitants of Victoria to their accustomed labors; but ere that sun arose, a scaffold had been erected in front of the Police Court, and a crowd was now collected around it. And as the clock struck eight, our poor Indian boy, his eyes streaming with tears, was brought out to the foot of the scaffold, followed by a fellow-prisoner—the very man who used to sell him the whisky, and who was now to be handsomely paid, pardoned and liberated for hanging him. And all was silent save a word of consolation from a Policeman addressed to him in English. The poor fellow stepped up the scaffold, and looked around, pale as death, and as the fatal rope was being adjusted round his neck, with all the strength of his lungs, and looking up to Heaven as a last appeal, he breathed forth one long, loud, lamentable wail. Oh, what a wail was that, appealing as it did from the sentence of unjust men to an All-Righteous Heaven. There was an indescribable accent in that wail, never to be forgotten by those who heard it—an accent of complaint but of resignation, bespeaking a feeling of injustice, which suddenly aroused every kinder instinct in the breathless crowd, and sent a thrill of horror to every conscience. Tears started from many a man's eyes, and a great many, perhaps one-half of those present, hastened away, unable to endure the sight any longer. The writer was of that number. My heart had swollen into my throat, I felt myself wrong in countenancing such horrors, and pushing hastily through the crowd, as the distance increased a rumbling noise behind me reached my ear, and I understood that all was over.

One duty remained—the only one in my power. I have done my best to fulfill it, and may this feeble exposure of a great iniquity be the means, under Divine Providence, of hindering the recurrence of any such judicial atrocities.

EVENING OF AUGUST 27th, 8 P. M.

P. S.—Since writing the above, and after the poor victim has been dead and buried for upwards of two days, Mr. Pearkes, the Solicitor, has *this instant* received the following epistle, in answer to the petition handed in by him:

VICTORIA, VANCOUVER ISLAND, 24th August, 1860.

MY LORD AND GENTLEMEN:

I am desired by His Excellency the Governor to acknowledge the receipt of your Petition, praying for a commutation of the sentence of death passed upon one Allache, a Tsimsean Indian, convicted of the murder of a colored man named Brown.

2. His Excellency has had this matter under anxious consideration, and he deeply regrets that there do not appear to be any extenuating circumstances which would warrant him in incurring the grave responsibility of interfering with the ends of Justice in a matter so intimately affecting the entire community.

I have the honor to be, my Lord and Gentlemen,

Your very obedient servant,

WILLIAM A. G. YOUNG, Acting Colonial Secretary.

To the Right Reverend the Lord Bishop of Columbia, to Thomas J. Skinner, Esquire, and others, the signers of the aforesaid Petition.